

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 JAVIER RICO-TORRES,  
4 Plaintiff,  
5 v.  
6 DIRECTOR OF NURSING HDSP, et al.,  
7 Defendants.

Case No.: 2:22-cv-01788-MMD-DJA

ORDER  
(ECF No. 1)

9 On October 26, 2022, pro se plaintiff Javier Rico-Torres, an inmate in the custody  
10 of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983  
11 and applied to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). Plaintiff's application to  
12 proceed *in forma pauperis* is incomplete because **Plaintiff did not include a financial**  
13 **certificate or an inmate trust fund account statement for the previous six-month**  
14 **period with the application.** The Court will deny Plaintiff's application without prejudice  
15 and give Plaintiff the opportunity to correct these deficiencies **by January 20, 2023.**

16 I. **DISCUSSION**

17 The United States District Court for the District of Nevada must collect filing fees  
18 from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights  
19 action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28  
20 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply  
21 to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. LSR 1-1. For an inmate  
22 to apply for *in forma pauperis* status, the inmate must submit **all three** of the following  
23 documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis**  
24 **for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by  
25 the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the  
26 Court's approved form, that is properly signed by both the inmate and a prison or jail  
27 official; and (3) a copy of the **inmate's prison or jail trust fund account statement for**  
28 **the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2.

1     *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the  
2     filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C.  
3     § 1915(b).

4                 As explained above, Plaintiff's application to proceed *in forma pauperis* is  
5     incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*  
6     *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing  
7     fee or file a new fully complete application to proceed *in forma pauperis* with all three  
8     required documents.

9     **II. CONCLUSION**

10               It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)  
11     is denied without prejudice.

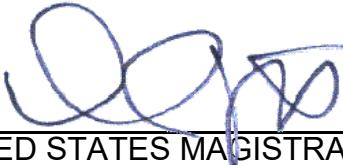
12               It is further ordered that Plaintiff has **until January 20, 2023** to either pay the full  
13     \$402 filing fee or file a new fully complete application to proceed *in forma pauperis* with  
14     all three required documents: (1) a completed application with the inmate's two signatures  
15     on page 3, (2) a completed financial certificate that is signed both by the inmate and the  
16     prison or jail official, and (3) a copy of the inmate's trust fund account statement for the  
17     previous six-month period.

18               Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
19     Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff  
20     to refile the case with the Court, under a new case number, when Plaintiff can file a  
21     complete application to proceed *in forma pauperis* or pay the required filing fee.

22               The Clerk of the Court is directed to send Plaintiff **January 20, 2023**, the approved  
23     form application to proceed *in forma pauperis* for an inmate and instructions for the same  
24     and retain the complaint (ECF No. 1-1) but not file it at this time.

25               DATED this 22<sup>nd</sup> day of November 2022.

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UNITED STATES MAGISTRATE JUDGE